

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

M.M.J.,

Defendant.

Case No. 17-CR-86-JPS

ORDER

On May 3, 2017, the government filed a juvenile Information charging the defendant with six counts of carjacking in violation of 18 U.S.C. §§ 2119(1) and 2 and four counts of brandishing a firearm during and in relation to a crime of violence in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2. (Docket #1).

All of the charged offenses are alleged to have occurred in November 2016, when the defendant was seventeen years old. He has since turned eighteen years old. However, because he is not yet twenty-one years old, he is still considered a juvenile for purposes of this action. 18 U.S.C. § 5031.

On May 4, 2017, the government filed a motion seeking to transfer the defendant for criminal prosecution in this Court pursuant to the mandatory transfer provision of 18 U.S.C. § 5032. (Docket #5). That provision states, in relevant part:

a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of

another may be used in committing the offense, ... and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this paragraph or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.

18 U.S.C. § 5032. The government's motion has been fully briefed. (Docket #5, #17, and #30).

Magistrate Judge William E. Duffin, who is assigned to this case, considered the parties' submissions and thereafter filed a Report and Recommendation with this Court, recommending that the government's motion for mandatory transfer be granted and that the defendant be transferred to the United States District Court for the Eastern District of Wisconsin for criminal prosecution. (Docket #31).

Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *See* (Docket #31 at 3). To date, no party has filed such an objection.

The Court has considered Magistrate Duffin's recommendation, as well as the parties' submissions. Having received no objection to Magistrate Duffin's recommendation, and finding Magistrate Duffin's analysis sound, the Court will adopt the recommendation.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #31) be and the same is hereby **ADOPTED**;

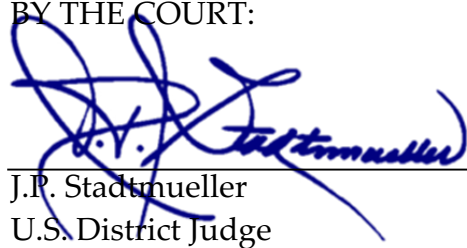
IT IS FURTHER ORDERED that the government's motion for mandatory transfer of proceedings against a juvenile to adult criminal prosecution (Docket #5) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the government's motion to seal the case (Docket #6), made pursuant to 18 U.S.C. § 5038 and General Local Rule 79, be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Juvenile Information (Docket #1) be and the same is hereby **UNSEALED** and this Mandatory Transfer Order, together with all subsequent filings not specifically ordered filed under seal, shall be filed and docketed as part of the public record in this case.

Dated at Milwaukee, Wisconsin, this 8th day of February, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge